



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.8904 of 2026

CNR ODHC010186142026

Sachidananda Mishra

....

Petitioner

Mr. Pradyumna Kumar Mohanty, Advocate

-versus-

***Tata Capital Housing Finance Ltd.,
Mumbai and another***

....

Opp. Parties

Mr. Ramachandra Panigrahy, Advocate

CORAM:

JUSTICE KRUSHNARAM MOHAPATRA

JUSTICE MRUGANKA SEKHAR SAHOO

ORDER

06.08.2026

Order No.

01. 1. This matter is taken up through hybrid mode.
2. Vakalatanama of Mr. Ramachandra Panigrahy, learned counsel appearing for the Opposite Party filed in Court is taken on record.
3. Petitioner in this writ petition prays for a direction to stay the proceedings under Annexure-1 and to direct the Non-Banking Financial Company to settle the loan account in accordance with law.
4. Mr. Mohanty, learned counsel for the Petitioner submits that a notice under Annexure-1 was issued by the legal firm of the Opposite Party-Financial Institution threatening to recall the loan and to initiate proceeding under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity SARFAESI, Act 2002). Hence, the Petitioner apprehends that the Opposite Party-Financial Institution may initiate proceeding under the



SARFAESI, Act 2002 although the Petitioner is repaying the loan regularly. Accordingly, this writ petition is filed for the aforesaid relief.

5. Mr. Panigrahy, learned counsel for the Tata Capital Housing Finance Limited-Opposite Party submits that the Petitioner has no cause of action to pursue the writ petition. Since the Petitioner defaulted in payment of instalments, notice under Annexure-1 was issued to remind the Petitioner about the consequence of non-payment of instalments. Such notice was neither issued under the SARFAESI Act, 2002 nor a notice recalling the loan of the Petitioner. It is further submitted that the Petitioner is repaying the loan regularly. Thus, he prays for dismissal of the writ petition.

6. At this stage, Mr. Mohanty, learned counsel for the Petitioner prays for withdrawal of the writ petition submitting that the Petitioner may avail remedy under law, if any, cause of action arises in future.

7. In view of such submission, the writ petition is disposed of as withdrawn.

(K.R. Mohapatra)
Judge

Sashikant

(Mruganka Sekhar Sahoo)
Judge